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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 6611 of 2007

PETITIONERS

1. Chudamani Rathore, Aged about 38 years, S/o Shri Udhav Lal Rathore, Assistant Teacher, Govt. Primary School Rajiv Nagar (Thusekala)
2. Smt. Parvati Raj, W/o Shri Jokuram Raj, aged about 50 years, Assistant Teacher Govt. Aadivasi Kanya Aashram, Halahuli,
3. Jeth Singh Rathia, S/o Chamar Singh Rathia, aged about 41 years, Assistant Teacher, Govt. Primary School Darripara, (Kafarmad)
4. Ram Nath Rathia, S/o Tilakram Rathia, aged 44 years, Assistant Teacher, Govt. Primary School Minagi, (Mingaon)
5. Smt. Savitri Jaiswal, W/o Mukund Ram Jaiswal, aged 38 years, Assistant Teacher, Govt. Primary School, Aamadol

All are at Block Kharsia, Distt. Raigarh (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, through Secretary, School Education Department Tribal, D.K.S. Bhawan, Raipur (C.G.)
2. The Director, Public Instruction Department, Raipur (C.G.)
3. Assistant Commissioner, Tribal & Welfare Department, Raigarh (C.G.)
4. Block Education Officer, Kharsia District Raigarh (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA

Appearance:

Shri Anil Mourya, counsel for the petitioners.

Shri A.S. Kachhawaha, Govt. Advocate, for the State on advance copy.

ORAL ORDER
(01.11.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f., the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A.No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others) wherein it was held that similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter had travelled to Supreme Court by Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu & others –Vs- State Govt. of Chhattisgarh & another (W.P.(S) No.813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications being made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

Rao